

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HERB REED ENTERPRISES, INC., et al.,
Plaintiffs,
vs.
MONROE POWELL'S PLATTERS, LLC, et al.,
Defendants.

Case No. 2:11-cv-02010-PMP-NJK
NOTICE AND ORDER RE: ORDER
TO SHOW CAUSE
(Docket No. 95)

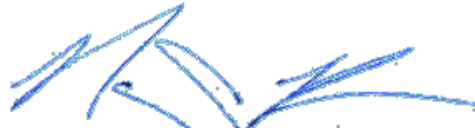
Pending before the Court is the order to show cause why sanctions should not be imposed, up to and including a recommendation of default judgment, pursuant to Federal Rule of Civil Procedure 37(b)(2) for the failure to obey Court orders. Docket No. 95. Among other sanctions, Rule 37(b)(2)(C) provides for an award of “reasonable expenses, including attorney’s fees, caused by the failure” to comply with Court orders. Plaintiffs expressly seek an award of their attorneys’ fees and costs pursuant to Rule 37(b)(2)(C), but do not specify against whom that sanction should be imposed. *See* Docket No. 100 at 6. The Court hereby gives NOTICE to Defendant Monroe Powell and his attorneys that any award of expenses imposed by the Court pursuant to Rule 37(b)(2)(C) may be imposed against Defendant personally, Defendant’s attorney(s) personally, or both. *See* Fed. R. Civ. P. 37(b)(2)(C) (allowing for recovery of expenses, including attorney’s fees, against “the disobedient party, the attorney advising that party, or both”). To the extent Defendant Powell and/or his attorneys would like to present further argument in light of this notice, they may do so in writing no later than June 21, 2013.

With respect to Plaintiffs' request for attorney's fees and costs, the Court already has before it the declaration submitted with respect to expenses incurred in filing the motion to compel. *See*

1 Docket No. 110.¹ To the extent Plaintiffs seek other fees and costs pursuant to Rule 37(b)(2)(C)
2 beyond those related to the motion to compel, Plaintiffs shall submit a declaration outlining those
3 expenses no later than June 19, 2013. If they so choose, Defendant Powell and his counsel may file
4 a response no later than June 21, 2013. If a response is filed, Plaintiffs may file a reply no later than
5 June 25, 2013.

6 IT IS SO ORDERED.

7 DATED: June 14, 2013

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9 NANCY J. KOPPE
United States Magistrate Judge

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28 ¹ Pursuant to an order issued concurrently herewith, Plaintiffs are ordered to provide a
supplemental declaration with respect to expenses incurred in bringing the motion to compel.